

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Apr 13, 2020**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Mark Allen Person

Case Number: 0980 2:03CR00217-WFN-1

Address of Offender: Unknown

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge

Name of Supervisory Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: November 30, 2004

Original Offense: Conspiracy to Distribute More than 500 Grams of a Mixture or Substance Containing
a Detectable Amount of Methamphetamine, 21 U.S.C. § 846Original Sentence: Prison - 151 months; Type of Supervision: Supervised Release
TSR - 96 monthsRevocation Sentence: Prison - 8 months;
(11/16/18) TSR - 60 months

Asst. U.S. Attorney: James Goeke

Date Supervision Commenced: February 8, 2019

Defense Attorney: Roger James Peven

Date Supervision Expires: February 7, 2024

PETITIONING THE COURT

To issue a **WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 10/29/2019, and 03/12/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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5

Standard Condition #5: You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Supporting Evidence: Mark Person violated the terms of his supervised release by failing to report a change in residence on or about April 9, 2020.

On April 3, 2019, Mark Person signed his judgment for case number 2:03CR00217-WFN-1 during his initial intake, indicating he understood all conditions ordered by the Court, to include standard condition number 5, as noted above.

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On March 17, 2020, Mr. Person arrived at the residential reentry center (RRC) as required by his STEP sanction. On April 9, 2020, Mr. Person left the facility and did not return. His whereabouts are currently unknown.

- 6 **Special Condition #4:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the Court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mark Person violated the terms of his supervised release by failing to attend substance abuse treatment on or about April 10, 2020.

On April 3, 2019, Mark Person signed his judgment for case number 2:03CR00217-WFN--1 during his initial intake, indicating he understood all conditions ordered by the Court, to include special condition number 4, as noted above.

Mr. Person was enrolled in intensive outpatient treatment services at Pioneer Human Services effective April 3, 2020. On April 10, 2020, he failed to appear for his scheduled group session.

- 7 **Special Condition # 6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month in order to confirm continued abstinence from these substances.

Supporting Evidence: Mark Person violated the terms of his supervised release by consuming a controlled substance, methamphetamine, on or about March 17, 2020.

On April 3, 2019, Mark Person signed his judgment for case number 2:03CR00217-WFN-1 during his initial intake, indicating he understood all conditions ordered by the Court, to include special condition number 6, as noted above.

On March 17, 2020, after releasing from custody, Mr. Person arrived at the RRC for placement as required. He was drug tested and the results were positive for methamphetamine. Mr. Person has since denied use of illicit substances, indicating he last used prior to his arrest on March 13, 2020. However, it should be noted, Mr. Person released after serving 4 days in custody; therefore, it appears he consumed methamphetamine prior to arriving to the RRC that day.

- 8 **Special Condition Imposed on March 16, 2020:** Mr. Person shall remain at the RRC for a period up to 180 days. Your participation in the programs offered by the RRC is limited to employment, education, treatment, and religious services at the direction of the supervising officer. You must abide by the rules and requirements of the facility.

Supporting Evidence: Mr. Person violated the terms of his supervised by aborting the RRC on or about April 9, 2020.

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On April 9, 2020, the Spokane RRC staff reported Mr. Person was allowed to exit the building for a 15 minute break; however, he left the property and did not return. As noted in violation number 6, Mr. Person failed to appear for substance abuse treatment services on April 10, 2020. The undersigned attempted to reach him by telephone on April 10, 2020, but was unsuccessful.

His whereabouts are unknown and it appears he has absconded from supervision.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a **WARRANT**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 13, 2020

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

4/13/2020

Date